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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/920,341	CHOI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	sang nguyen	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to 7/22/04.
- 2. ☒ The allowed claim(s) is/are 1-3, 8-13, 18-21, 26-31, 36, and 246-274 which have been renumbered as indicate claims 1-49.
- 3. ☒ The drawings filed on 01 August 2001 are accepted by the Examiner.
- 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  - 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
- 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>2/24/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Amendment***

The present Office action is made in response to Amendment filed on 07/22/04. It is noted that the present application contains claims 1-3, 8-13, 18-21, 26-31, 36, and 246-274 and claims 4-7, 14-17, 22-25, 32-35, and 37-245 by the Amendment filed on 7/22/04.

### ***Allowable Subject Matter***

Claims 1-3, 8-13, 18-21, 26-31, 36, and 246-274 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As independent to claim 1, the prior art of record, taken alone or in combination, fails discloses or render obvious a method of determining spacing between a patterned template and a substrate comprising all the specific elements with the specific combination including of determining a spacing between the surface of the patterned or planar template and the substrate based on measuring dimensions of the region by ascertaining a wavemunber associated with monitoring light that a function of a wavelength of the monitoring light and the index of refraction in combination with rest of the limitation of independent claim 1.

As independent to claim 19, the prior art of record, taken alone or in combination, fails discloses or render obvious a method of determining spacing between a patterned template and a substrate comprising all the specific elements with the specific combination including of determining a spacing between the surface of the patterned or

Art Unit: 2877

planar template and the substrate based the monitored light by obtaining data representative of optical properties of the monitored light with the magnitude being a function of optical characteristics of the material and a wavelength of the monitored light in combination with rest of the limitation of independent claim 19.

As independent claim 246, the prior art of record, taken alone or in combination, fails discloses or render obvious a method of determining a spacing between a template and a substrate with a material being disposed between the template and the substrate comprising all the specific elements with the specific combination including of determining a magnitude of the spacing between the template and the substrate based on the monitored light by obtaining data representative of the intensity of at least some of the wavelength associated with the monitored light and determining a wavenumber associated therewith, wherein the wavenumber is a function of index of the refractive and the wavelength of the monitored light with the magnitude being a function of wavenumber in combination with the rest of the limitation of claim 246.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571) 272-2425. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2877


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-

0956.



Nguyen/ sn

August 5, 2004

  
**Hoa Q. Pham**  
**Primary Examiner**  
**Gregory J. Toatley, Jr.**  
**Supervisory Patent Examiner**  
**Art Unit 2877**  
**Technology Center 2800**